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SUBJECT: SHARIAT COURT OVERTURNS RAPE LAW

¶1. (U) Summary: Pakistan's Federal Shariat Court invalidated a 25 year-old law allowing a man accused of rape to impeach the credibility of his alleged victim by offering evidence she "was of generally immoral character." In its judgment, the four-member panel requested President Zardari repeal the old law within six months, but if the President fails to act the law will automatically expire after that time. The ruling effectively removed the gender inequality inherent in the old rape law. The Northwest Frontier Province (NWFP) provided a brief to the court in favor of changing the law. End summary.

¶2. (U) On February 11, a four-member panel of Pakistan's Federal Shariat Court ruled a provision of the Qanun-e-Shahdat Order of 1984 was repugnant to the Koran. The matter appeared before the court on the petition of a man who objected to the law allowing a man accused of rape to taint the character of a woman while it was impossible to give equal protections to women. The petitioner argued the law violated the Islamic dictates of justice and equality.

¶3. (U) The Shariat Court's order advised President Zardari to repeal the old provision on grounds it is anathema to the penal laws of Islam which treat men and women equally. The court also held the law was discriminatory on the basis of gender, and violated the notions of gender equality in the Koran. Should President Zardari fail to act on the matter, the law will, in any case, expire after six months.

¶4. (SBU) Comment: The federal government and all four provinces filed briefs in the case, but only the NWFP brief argued the law should be repealed. The ruling improves the legal rights of women in rape cases.

PATTERSON